

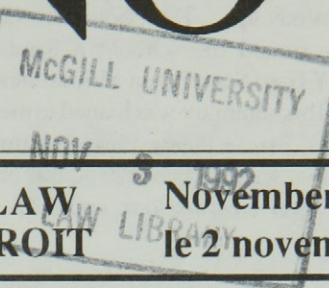
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# Quid Novi



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McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE McGILL FACULTE DE DROIT



November 2, 1992  
le 2 novembre, 1992

## INCOHERENT RAMBLINGS, or More of the Same from:

### Brian Fell (no label, thanks)

Just when you thought it was safe to go back to law school...I'm back. Yup, turn around. That's me at the back of the class as usual, wearing my silly grin.

Fool ya? OK, so I'm not there, but before you're ready, I will be. Yeah, yeah, quit whimpering, you've had it easy long enough.

Well, no travelogue this time, 'cause I've just been hanging around Melbourne. Everyone likes my Law Games t-shirt. They say "Great pink tie-dye!" Melbourne was apparently judged the world's most livable city in some bogus survey, the other two in the top three being Montreal and Seattle. I've lived in

2 of those 3 cities and visited the other a few times and personally, I wouldn't nominate any of them.

Never mind, on to other things. Y'know, I found first year of law so hard that I promised myself to each year write a help-guide for new students. Problem is, I'm never around to write it. Last year, the authorities wouldn't let me out of Chile 'till my bike left for Australia... but that's another story. (1) Now here I am in rotten, grey, rainy Melbourne cramming for finals. Well, her's an attempt to help new students.

### The Brian Guide to Law School Academic Rules

1. Don't let your class mates get ahead of you. Panic NOW!

2. Just say NO...to law books. I'm 1/2 way through my 4th year and I've spent about \$50.00 so far. I'm still here aren't I? Well, not at the moment, but I will be I think. The trick is to spend all your time in the library. That's where you'll find me.. Well, not now but, maybe later.

3. NEVER use a summary. You're only cheating yourself. You can quote me on that.

4. Exam preparation...see rule 1.

5. Coffee House is to be avoided at all costs. It's a waste of valuable study time and besides, you might meet me there. Coffee House leads nicely from my academic rules to the...

### Social Rules

1. Pretend to have a social conscience.

cont'd on p. 4

## OF PIGS AND POLITICS

By Andreas Sautter; LL.B. III

Drama. Bottom of the ninth. Blauser singles to right to lead off. Catcher Berryhill is next up and he is ice cold; one hit all series. Pitcher Tom Henke gives him the Terminator stare through gold-rimmed glasses. I can't help but think what Arnold would say in this situation: "Gif me oll off youu clothes". Henke appears to be thinking "Berrykill". Wrong. Berryhill sacrifice bunts, Blauser's to second. Up comes Lonnie Smith, grand slam hero of game 5, with pipes like steel drums. Smith telepathi-

cally sends a thought to the paying customers and television audience: home run?

Ted Turner, Jane Fonda and the Braves fans are all trying to hit the person in front of them with an imaginary tomahawk. Henke seems impervious. Strike one. Foul ball strike two. Time for some cat and mouse. A pitch inside, low, another outside high. Smith's stoic face approaches a bored expression. Ball 3. Crunch time. But Henke is smart, he won't give Smith a ball to hit. Ball 4,

con't on p. 2

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## ANNOUNCEMENTS /ANNONCES

**LOST** - (during the summer): black and white negatives and contact sheets (from around 20 rolls of film) in a brown envelope. The photos are of people and scenes around the school.; a handwritten SUMMARY from Security on Moveables (in a black folder). This summary was loaned to me and I must return it! Please Please Please return them! Reward offered. Call Andrea at 284-5007 or leave them at the SAO message box under "A. Morrison".

**MCGILL/INTERAMICUS HUMAN RIGHTS FORUM** - On Wednesday, November 4th at 12:30 p.m., in the Moot Court of the Faculty of Law at 3644 Peel Street, Alan Borovoy, General Counsel of the Canadian Civil Liberties Association, will speak on "Recurring Challenges to Civil Liberties". This is part of the series "Encounters in Human Rights".

**EXCHANGE PROGRAMS** - The Faculty of Law has recently negotiated a number of exchange

programs with universities in the Netherlands, Czechoslovakia, and Australia. Students interested in participating in these exchange programs should apply to me by letter of application, curriculum vitae, and a photocopy of an official transcript **no later than December 1st, 1992**. These applications are viewed both internally and by the host institutions. There is a limited number of places for exchange students at each institution. Students interested in applying may inquire further at my office on the terms and conditions of each of the exchange programs and on the criteria of selection.

The four exchange programs are as follows:

The Free University of Amsterdam - six weeks of courses counting for a total of nine (9) credits followed by a stage with a Dutch law firm practising international law;

The Faculty of Law, Charles University, Czechoslovakia - a three week program from the end of August to early September, counting for three (3)

credits towards the law degree at McGill.

The University of New South Wales, in Sydney, Australia - full-fledged exchange program; and

The University of Melbourne, in Melbourne, Australia - a full-fledged program.

### CORNER DES SPORTS CORNER

Au moment où vous nous lisez, les sports intramuraux extérieurs (flagfootball, softball, ultimate, soccer) sont terminés. Toutes nos équipes ont représenté la faculté de façon remarquable, particulièrement l'équipe féminine de soccer ainsi que l'équipe masculine de flagfootball. Vous aurez les détails de leurs derniers matchs dans la prochaine édition du Quid.

À propos des Jeux' Ridiques 1993 (Law Games) le comité sportif tiendra une réunion d'information dans la semaine du 2 au 6 novembre. Soyez-y!

### Pigs and Politics con't

runners at first and second, one out. Pinch hitter Carrera or Canbera or something saunters to the plate. Who is this guy? That's what they said about Ed Sprague. Henke gets ahead early, then a string of foul balls. Finally a hard line drive to right. So hard that Maldonado overruns it charging in. Even the umpire thinks he's going to miss it. At the last instant he realizes his mistake, pokes his glove out, back and ... snags the ball. Two out. The upstairs neighbours squeak like mice in relief. (Metaphysics: do mice really squeak in relief? I invite commentary). A child is shown crying in the stands. Drama.

Bring up Otis Nixon. He's from a town of 600 people. The proud townsfolk named a street after him. Otis Nixon Drive. It's the only street in town. The American Dream. Right there on screen. Another version of the American Dream hangs on the wall of the first base box seats: "Bobby Cox (the Atlanta manager) for President." A disillusioned ex-Perot supporter? No wonder. The non-viable alternatives are Bush, whose administration is in danger of seeing the World

Series Trophy leave the country, and Clinton, who doesn't inhale when he smokes dope. Bobby is the last hope. (Aside: does anyone know what "John 3:16" means?)

Let's not ignore Otis. He has a street named after him after all. Strike 2 very quickly. "The Blue Jays are one strike away from the World Series!" The neighbours upstairs jump in anticipation. I think of hippos on my ceiling. (Curiosity: when was the last time you saw a hippo?) Otis swings: single to left. Here comes Blauser to even the score. Maldonado throws almost into the stands. "Airmail" is what the announcer called it. But Smith stops at third. The next batter ends the anxiety roller coaster by lofting a fly ball into Devon White's glove. Extra-innings.

Top of the 11th. D. White get hit by a pitch and Roberto Alomar, the only player who actually seems like its all a game to him, singles. Upstairs, squeals like pigs in mud (issue: or are they really grunts?). Winfield, the old warhorse, presents himself. 41 years old and still a well-paid pro athlete. Let's go, Dave. Double to left. White and Alomar score. Dave earned his keep. Ted Turner is

glum. Time's Man of the Year picks up the CNN phone: "Is Bobby still ahead of Bush in the polls? No? Well, give him 30 minutes between news shows." Meanwhile the CTV feed switches from Ted to the delirious TV crowd in the Skydome. Nice camera work, boys.

Drama again. Jeff Blauser vs. Jimmy Key. Key looks like he just escaped from the Wonder Years. Blauser singles. Deja vu. Berryhill hits the ball at Griffin's shoulder, from where it errr's its way into left field. Everyone is safe. A grounder to short scores Blauser. Two out and Otis Nixon, man of the ninth inning (also known as 'Main Street') is up. One more time? Bring in Mike Timlin to pitch. Foul ball, strike one. Pitch # 2. Otis dribbles one down the first base line. Timlin seems in slo-mo as he chases down the ball. He glances at third. Sense of the theatrical, this Timlin. He focuses, on first and tosses to Carter. The buffaloes upstairs stampeded their way to the nearest bar like lemmings (dilemma: which animal to choose for the simile?). The announcer, as announcers are wont to do, lapsed into cliché: "Oh Canada! What a series!" Two days later a majority of Canadians rejected the Charlottetown accord. Oh Canada indeed.



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# SO YOU WANT TO BE A ROCK AND ROLL STAR: PART I - GRAD SCHOOL

BY PAUL MOEN, LL.B. III

Just imagine- you too could go to graduate school (read: postpone articles) and study space law at McGill, feminist legal theory at Harvard or, heaven forbid, law and economics at U. of T.! For those interested in continuing their studies in law after an awe inspiring experience at McGill an information session was put on last week by Professor Toope. For those of you who were not able to attend, here's the scoop.

Grad school: Where? What? How much?

Competition for grad school is tough and although the strength of one's application is a large determinant of where one is able to attend grad school, we'll assume a stellar application. Where one chooses to study will be mainly determined by the subject matter that interests the student and the type of program offered by the graduate school.

Graduate programs in law are divided into two types: non-thesis and thesis. Non-thesis graduate degree programs are offered at the master's level and typically consist of lectures, seminars and small group discussions. Examples of no-thesis programs are the B.C.L. offered at Oxford University and the LL.M. offered at Harvard Uni-

versity. There are also many such programs in Canada and around the world. The programs are usually one year and in some cases two.

The thesis programs on the other hand are offered both at the master's as well as at the doctorate levels and sometimes involve course work. However, unlike the non-thesis programs, the thesis programs require a much more well defined area of specialisation. It is strongly advised that students should start to formulate some kind of proposal well in advance of applying.

Professor Toope noted that it is essential to speak with practitioners as well as professors in order to develop a workable proposal. He mentioned that the faculty is made up of different professors who have attended many different grad schools around the world and that students would be wise to consult them. He also noted that the student is not necessarily bound by his or her original thesis proposal and that quite often proposals are modified after the program has begun.

The application process is an arduous task and students should take it seriously by tailoring applications to the specific program and ensuring that they shine in the best possible light with respect to marks, reference let-

ters, research proposals and application essays.

Another major hurdle however is funding. There exist many sources of funding and half the battle is finding out what is available. First, the government offers many grants for graduate studies under such bodies as the Canada Council Humanities and Social Sciences Grant System. Second, scholarships such as the Rhodes and Commonwealth are available. Third, many institutions offer a range of very specialized scholarships like, for instance, the Imperial Order for Daughters of the Empire for women to study in the United Kingdom. A good deal of research is required for these scholarships. Fourth, university funds particular to the graduate school may be available.

Competition for funding and getting into graduate school is tough and students should apply as far in advance of deadlines as possible. For more specific information graduate programs and sources of funding consult the Law library, members of the faculty and the Graduate Studies Information Centre at 3661 Peel Street.

Next week: So You Want to be a Rock and Roll Star: Part II - Clerkships.

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**Brian Fell****cont'd from p. 1**

2. Pretend that you're pretending to have a social conscience.
3. Wardrobe is key. The goal is the Hey-I'm-fairly-casual-but-would-be completely-comfortable-in-the-business-attire look...like me.
4. You MUST start dating another law student. Preferably of the same year and degree-stream (this will become clear shortly). If you were single in Sept, you should have taken this step within the 1st month of classes. (2) If you are already attached, but to a non-law person, the situation is more complicated but still do-able. first, it depends if you'll be the *Dumper* (because you've outgrown him/her) or the *Dumpee* (when he/she drops you because you've 'changed').

*Dumper* : No heartbreak or coming-to-terms-with-or-dealing-with-it here. You can split with him/her at any time, but best is last week of classes so you won't be so obvious when arranging 'study sessions' with your new partner (it should now be clear why he/she should be in the same year/degree). You should have been scouting around for potential new partners at Coffee House. (3) The *Dumper* option really has everything going for it. You're without a partner for the shortest time possible, you get someone new, and you'll get some serious study done.

*Dumpee* : Unfortunately, you'll need more time to get over the initial lost-at-sea, my-life-is-so empty stuff. Ideally, the split should happen oh, say, about three weeks before the end of classes. That should

give you time to let your story out and have potential new partners sympathise with you because the old one was so 'horrible to drop you when you needed support'. Play the rejection for all it's worth. We've got a tight time frame here. The problem with the *Dumpee* option is obviously that you don't have full control over the when it happens. Don't worry, almost all mixed (law/non-law) couples split, the only question is when. The tension should begin after 3 weeks of term and be peaking after 6. If your ex-partner (4) persists in trying to work it out, just bury your head in your work except to go to Coffee HOuse for the aforementioned reasons. Don't fool yourself, the *Dumpee* option hurts. But then nothing worth having, or in this case losing, comes easy.

OK, that's all the rules I can think of right now. I might have to add some later but, till then, you should be with these.

**The Ultimate Summary**

So you're probably saying "OK, now I know how to get by but what's law really all about?" Well, here's a glimpse:

Year 1. Reasonable is the key word here. No matter how unreasonable it seems, you must learn to twist your mind until you see it the other way. Resistance is useless. Give in now.

Year 2. Beware of stretch marks. Now that you've grasped how to grasp legal concepts, you'll be asked how far you can stretch

them. To go boldly where no law student has gone before. Beam me up, now!

Year 3. It's a funny kind of thing. Everyone's still enrolled but you don't see them anymore. It's mostly because everyone has developed their own pet projects (hockey, law journal, sex), being completely disillusioned with law and finding no logic to it.

Year 4. (stick around, it gets...). Now it really seems as if no one's around... because they're not. In the final year, even professors have given up on trying to prove that there's any logic or fundamental principles in law. In case any if you are still clinging to those outdated notions, Private International Law will set you straight.

(1) Check out last Fall's Quid Novi's in the Periodical section of the Library.

(2) Right J.B. & M.D. and W.C. & A.G.?

(3) This exemption from rule 5 applies only to people needing new partners (if everyone goes to Coffee House, we won't know who's up for it and who isn't).

(4) You should already be thinking of him/her as an *ex* if you're serious about this.

## INSIDE THE LSA

**By Joshua Fireman; VP Civil Law.**

Do you lie awake at night wondering what exactly goes on inside the LSA? Have you ever been late out of the shower because your mind was preoccupied with deciphering the inner workings of this shrouded student association? Well, wonder no more! Following in the proud tradition of investigative journalists like Geraldo Rivera, I am going to reveal... The Secret Files of the LSA!

In order to begin to understand the LSA, I decided that my first step would be to attend one of its meetings. Luckily, this was not too difficult, as I managed to gain the organization's trust by becoming a member of its executive. Once on the inside of one of the association's meetings, I found that most members are familiar with a dusty old volume called Robert's Rules. While these rules are, in theory, designed to allow for the smooth functioning of large meetings, in fact they have exactly the opposite effect - they slow meetings down to a pace that would kill a snail of boredom.

Consider this concrete example from a recent gathering. First, a resolution was tabled (*BIRT the Moot Court is too damn hot*). Before the topic could be discussed, it had to be seconded by a warm body that felt the overwhelming need to get his/her name recorded in the minutes. Then, the speaker (like in Parliament, but minus the robes) asked if anyone had any questions about the resolution. It was at this point that I first raised the ire of the speaker by making a comment. Comments, I was sternly told, may only be made after all questions have first been asked.

Once questions and comments were made, the Earth's tectonic plates had shifted and I'd had enough time to shave, shower and read a little Dostoyevsky, someone decided that it would be best if an amendment was made to the original

resolution (*BIRT that the original resolution be amended to read BIRT the Moot Court is way too damn hot*). At this point, the council voted on whether it wanted to debate the amendment. The amendment was then debated in the same fashion as the original resolution.

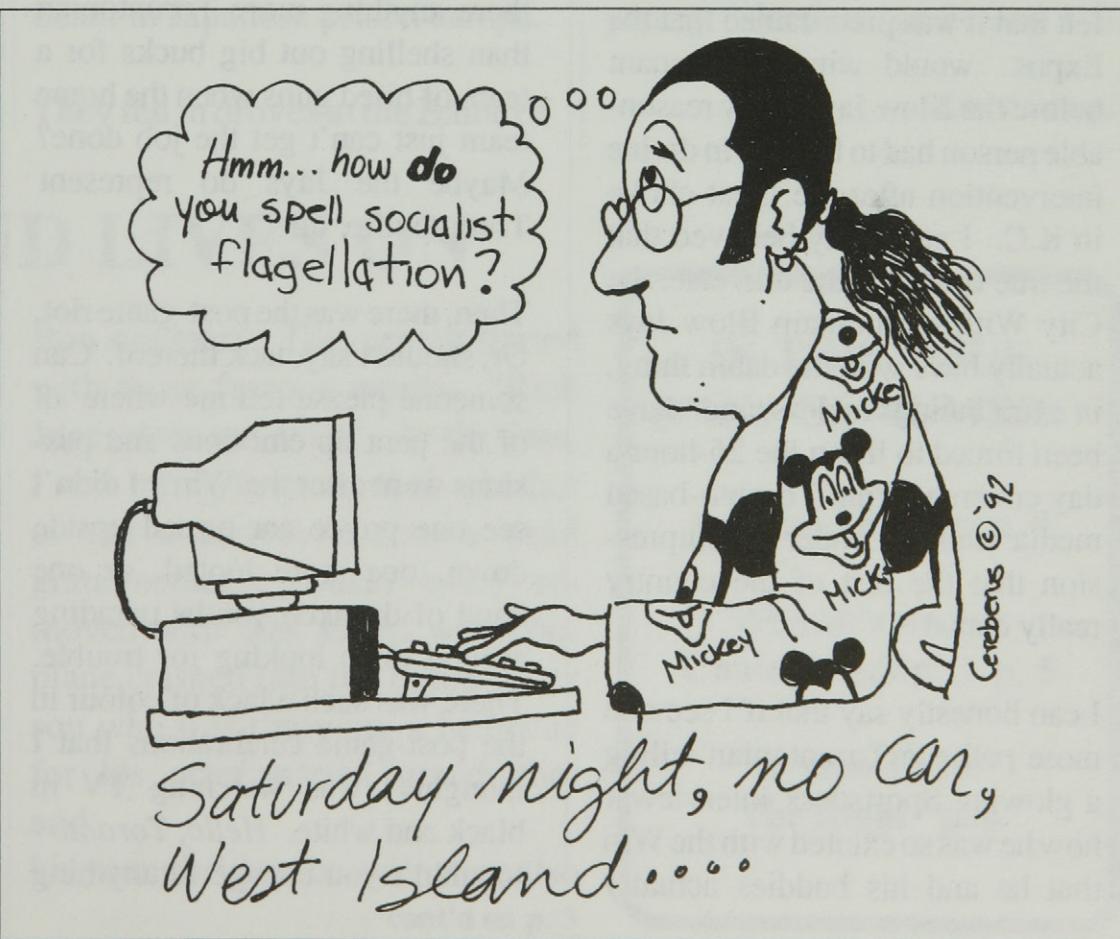
By this time my toenails desperately needed clipping, so I called the question. [For those of you who are lucky enough to be in the dark as to what this means, calling the question is a request to end debate on the issue at hand and vote. The problem is that you have to engage in a debate over whether this is an appropriate time to call the question before an actual vote on the matter.] In this particular instance, the question was successfully called, and a vote was then held on the amendment to the original resolution. The amendment was accepted (8 to 6 in favour with 2 abstentions due to the controversial nature of the resolution) and the meeting continued. The next resolution was tabled, and the cycle began

anew...

Seven and a half hours later, the meeting was called on account of the smell in room 200. The assembled representatives of the Faculty of Law's student body stumbled out into the hallway, satisfied in the knowledge that once again democracy had triumphed.

I realize that this has been but a peak into the life of the LSA. But, bear with me. If response merits future columns (and I'm sure it will), I will reveal "How to amend the minutes", "What really goes on during those Exec meetings" and, if you are really lucky... "Why we chose yellow paint for the cafeteria"!

P.S. The lateness of the phonebook is not my fault. No matter what anybody else says, certain unnamed class reps were late in getting me their completed class lists, which caused the delays in the directory's publication.



## ODE TO T.O.

By Joshua Fireman; B.C.L. III

The gods must be crazy. They have gone and shaken the universe off its moorings; reality is completely out of whack, and no correction is in sight.

What makes me think that the world's gods (yes, I know most of you only believe in one supreme being, but since no one agrees on who that is, let's just assume there is more than one, OK?) have finally lost it? Why don't I just let recent events speak for themselves.

Against all odd, and defying their long tradition of choking in the clutch, that other Canadian-based baseball club has won the World Series. Now, let's face it. I wasn't the only person in Montreal who felt that it was preordained that the Expos would win the Pennant before the Blow Jays. Any reasonable person had to believe in divine intervention after the great choke in K.C. I genuinely believed that the true centre of the universe, the City With a Mountain Blow Jays actually have won the damn thing, in extra innings no less, and I have been forced to listen the 26-hour a day coverage from Toronto-based media who are under the impression that the rest of the country really cares!

I can honestly say that if I see one more pathetic Torontonian telling a glowing Sportsdesk interviewer how he was so excited with the Win that he and his buddies actually

stayed out until four in the morning celebrating, I am going to vomit all over my TV set. Someone should explain to these wallflowers that Montrealers only start going out after last-call-Toronto-time, and wander home around the same time Torontonians are waking up to the exciting prospect of another erotic Sunshine Person. I wish these world-class hicks could see that at best they know how to paint a town beige.

Any rube could buy a Pennant with \$42 million of bribe money to throw at mercenary ball players with about as much loyalty to Toronto as Jacques Parizeau has to Canada. Remember, the only team in the playoffs this year with a Canadian on the roster was the Oakland Athletics. Then again, is there anything more Torontonian than shelling out big bucks for a team of hired guns when the home team just can't get the job done? Maybe the Jays do represent Toronto after all.

Then, there was the post-game riot. Or, should I say, lack thereof. Can someone please tell me where all of the pent up emotions and passions went after the Win? I didn't see one police car turned upside down, one store looted, or one band of drunken youths parading around town looking for trouble. There was such a lack of colour in the post-game celebrations that I thought I was watching TV in black and white. *Hello, Toronto - couldn't you engage in anything*

more raucous than a 500 000 large tea party?

The only possible reason I can come up with for the Win is that the gods felt that Toronto was in such bad shape that it needed a boost just to prevent its residents from sinking into violent depression. Lord only knows what a desperate Torontonian is capable of (a little self-flagellation in the form of a Maple Laffs, perhaps). After all, the city hasn't seen a winning hockey team since the invention of the wheel, it lost out to *Atlanta* in its bid for the Olympics, it is being crushed under the weight of a socialist provincial government, the Rocket has fizzled and you can't even find a Barenaked Lady when you want one. Pitiful.

Although things are pretty bad here in Montreal, at least we don't have to continually justify ourselves as a world-class city and cultural capital of Canada. We still have the Habs, the most exciting young team in baseball, the best Canadian player in baseball, etc. Toronto can have its moment of glory. Because, when all is said and done, it will still be hog town.

The gods must be crazy. Then again, maybe they appreciate a good joke along with the rest of us.